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SUBJECT: TONLE BASSAC LAND DISPUTE CONTINUES

REF: PHNOM PENH 869

¶1. (U) Summary: A land dispute in the heart of Phnom Penh is emblematic of the increasing number of land conflicts in Cambodia. On June 6 and 7, local police evicted 500 families from the Tonle Bassac community. Another group of families with land documentation from the UNTAC days is being threatened with eviction, and has sought legal assistance from a USAID-funded NGO. Eight protesters were arrested as well as a journalist; no violence was reported. Since the beginning of the month-long conflict, NGOs have offered to help but authorities have refused. The Tonle Bassac case highlights the problems of unclear land titling, corruption, and a growing sense of injustice. End Summary.

RESIDENT INJURIES LEAD TO RIOTS

¶2. (U) On May 30, 2006, remaining members of the Tonle Bassac community, who had watched their homes destroyed over the course of the past month, rioted when a local authority official injured an 11-year old girl and a pregnant woman. The remaining community members tore down buildings that served as offices for the village chief and the CPP as the police watched. The small police presence was withdrawn as the rioting progressed.

¶3. (U) Since this incident, villagers who were renters at the site began to subdivide the area once again and construct makeshift homes. People who owned land at the site, but were compensated with new land 22 kilometers from Phnom Penh, began to return to reclaim their old land. Also, people living at other resettlement communities throughout Phnom Penh began to arrive at the site to try to claim land. As the reconstruction continued, NGOs worried that another mass eviction was inevitable and warned of possible violence.

MASS EVICTIONS CONTINUE

¶4. (U) On the morning of June 6, twelve trucks rented by the Sour Srun Company and several hundred police officials arrived at the village. Police then began to remove the estimated 400 families at the site. Eight people who tried to protest were arrested, but NGOs reported no violence occurred. The families were moved to a new one-hectare site outside Phnom Penh where no arrangements were made to divide land nor provide shelter, sanitation or electricity.

¶5. (SBU) On June 7, NGOs reported that 100 more families were removed from the Tonle Bassac site. These families had more substantial wooden houses (previously untouched by

authorities), and lived on land bordering the site. According to the USAID-funded Community Legal Education Center (CLEC), some families have documentation suggesting a possible legal claim. A third group of families whose houses also border the site have land documentation dating from the UNTAC era. They are now being threatened with eviction by municipal authorities who claim the land belongs to the city of Phnom Penh, not Sour Srun. The group has sought legal advice from the CLEC.

16. (SBU) Also on June 7, the municipal authorities arrested a journalist from a Khmer language newspaper and briefly detained a Cambodian Center for Human Rights (CCHR) activist and his driver. The authorities alleged that the journalist was a resident of Tonle Bassac posing as a journalist, who had helped incite the riot at the site a week ago. CLEC also learned that the one-hectare relocation site was bought in March by municipal authorities, who promised the seller that they would buy two additional hectares later. The seller now is concerned that one hectare is inadequate for 500 families and that people will begin to squat on adjacent land owned by him.

NGO ASSISTANCE REBUFFED

17. (U) At the outset of the land dispute, the NGO community offered to conduct a census of residents and renters living at the site but was rebuffed by the government during the initial eviction. Instead, local authorities allotted plots of land outside Phnom Penh during the initial eviction not only to residents but also to non-residents with political connections to the authorities. In

PHNOM PENH 00001086 002 OF 002

some cases, these people were given larger plots than residents. Following the initial eviction, NGOs have also attempted to distribute tents and humanitarian aid to the remaining families of renters who were not included in the earlier relocation, but were stopped by the authorities. The NGO community also wrote two letters to the Prime Minister to ask for his intervention but never received a response.

18. (U) Brian Rohan of CLEC commented that "the entire situation highlights the lack of transparency and proper process. The most recent evictions show the government's ability to garner a massive show of force but complete lack of caring and planning when concerning the needs of those affected. Since the beginning, the government has refused to involve community leaders or NGOs in the process." Kek Galabru of LICADHO commented, "the government should have consulted the people living at Tonle Bassac before evicting them. The evictions should not have been made using force. Also, the new site is completely inadequate." Mith Samlanh, an organization that works with street children, noted that some of the Tonle Bassac children benefited from the schooling, feeding, and other services their NGO provides, but the new site outside town will prevent these children from receiving much-needed assistance.

SOUR SRUN COMPANY A FRONT FOR CANADIA BANK?

19. (SBU) According to the NGO community, Sour Srun company has been unable to produce its land title to the Tonle Bassac site. This company is believed by many to be a front for Canada Bank, whose General Manager Pung Kheav Se is an advisor to Hun Sen. Last year, Canada was involved in the Koh Pich land dispute where families were evicted in similar fashion to what is occurring at the Tonle Bassac site. NGO members speculate that Canada Bank may not want to be the center of bad publicity again, and therefore a front company was formed to keep government officials' names out of the

press.

¶10. (SBU) Comment: The NGO community's marginalization in this process has been unfortunate, given that the Prime Minister had stated he wanted NGO participation in the recently formed National Land Dispute Authority. The Tonle Bassac land dispute is a complex issue, as there are a variety of different groups living at the site, which has grown haphazardly over the years since UNTAC times. Most residents, even if they had a legal land claim, are unaware of the provisions of the 2001 Land Law and could not afford the fees (and bribes) required to get a land title -- and are helpless when a powerful individual/company has the means to buy a title, claim ownership, and access government support to begin evictions. End Comment.

MUSSOMELI